

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
Raleigh Division
No. _____ CV _____ - _____

EDWARDS FAMILY PARTNERSHIP, LP
Plaintiff,

v.

DEBTX, LLC; LEED ENTERPRISES, LLC;
PAUL D'AGNESE; DEBTX11, LLC; and
EXECUTIVE TRUST,
Defendants.

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NOTICE OF REMOVAL

NOW COME the Defendants, by and through undersigned counsel, pursuant to 28 USC § 1332 and § 1441 et seq., filing this Notice of Removal and alleging as follows:

1. Plaintiff filed a complaint in Wake County, North Carolina Superior Court on October 8, 2015.
2. The complaint alleges that the Plaintiff is a limited partnership organized and existing under the laws of Delaware. The Defendants admit this allegation.
3. The complaint further alleges the following:
 - a. That Defendant DebtX, LLC is a limited liability company organized and existing under the laws of Delaware with its principal place of business in Fulton County, Georgia. The Defendants admit this allegation.
 - b. That Defendant Leed Enterprises, LLC is a limited liability company organized and existing under the laws of Delaware with its principal place of business in Fulton County, Georgia. The Defendants admit this allegation.

c. That Defendant Paul D'Agnese is a citizen and resident of Atlanta, Georgia. The Defendants admit this allegation.

d. That Defendant DebtX II, LLC is a limited liability company organized and existing under the laws of Delaware with its principal place of business in Fulton County, Georgia. The Defendants admit this allegation.

e. That Defendant Executive Trust is a trust organized and existing under the laws of Georgia, with its principal place of business in Fulton County, Georgia. The Defendants admit this allegation.

4. For the purposes of determining whether diversity of citizenship exists a corporate entity is deemed to be a citizen of the state of its principal place of business. *Hertz Corp. v. Friend*, 559 U.S. 77 (U.S. 2010)

5. Based on its allegations, the Plaintiff seeks damages in excess of \$75,000.00. Specifically, in paragraph one of its "Prayer for Relief" the Plaintiff seeks the following:

"\$2,097,694.00, plus accrued and unpaid interest at 15% per annum from July 26, 2015 until the date of entry of judgment, plus interest on the balance of such judgment at the legal rate from and after the date of entry of judgment, plus [Plaintiff's] reasonable attorney fees in the amount of fifteen (15%) of the total amount outstanding as of the date of entry of judgment[.]"

6. The matter in controversy exceeds \$75,000.00.

9. The United States District Courts have original jurisdiction over this matter based on diversity of citizenship.

Submitted this 5th day of November, 2015.

/s/ D. Rodney Kight, Jr.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this pleading and any accompanying exhibits were served on the Plaintiff via US Mail, postage prepaid, as set forth below.

THIS 5th day of November, 2015.

/s/ D. Rodney Kight, Jr.

D. Rodney Kight, Jr.
Attorney at Law

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